UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,978	11/17/2006	Eral Foxenland	PS02 0303US2	4161

58561 7590 12/18/2007

HARRITY SNYDER, L.L.P.
11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX, VA 22030

EXAMINER	
TREAT, WILLIAM M	

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
12/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,978	FOXENLAND, ERAL	
	Examiner	Art Unit	
	William M. Treat	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☑ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/30/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 1-18 are presented for examination.

2. The drawings are objected to because Fig. 1 lacks suitable legends. Currently, it is only a bunch of numbered boxes. Also, applicant's description of Fig. 1 seems to be a list of conventional features found on mobile phones. Is there some reason Fig. 1 should not be labeled "Prior Art"? Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 recites the limitation "The method according to claim 1, wherein the step of initiating comprises" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 1 has no initiating step. Also, while claim 1 does have an initiating and executing step, there are 2 of them resulting in a confused antecedent basis, at best.

6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In claim 12, applicant discusses counting the number of executed iterations of the main sequence or subsequence and based on that count interrupting the main sequence. If the subsequence is executing, why is the main sequence being interrupted? Or, is applicant saying the subsequence is merely a called loop which, upon completing the appropriate number of iterations of the loop, returns to the main sequence? At line 2 of claim 12, applicant claims "a counter arranged to count the number of executed iterations of at **lease** one". This appears to be a typographical error.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 4-11, 13-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Okada et al. (2003/0098821 A2).

10. As suggested by the European Patent Office, the examiner would recommend that applicant read paragraphs [0086] through [0089], at a minimum, before responding.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (2003/0098821 A2).

13. Okada taught the invention of claim 10 from which claim 12 depends. While it is unclear from applicant's claim language what applicant is claiming, the examiner takes Official Notice that Okada's system would inherently have the capacity to count/time iterations of a given activity such as a loop. This is such a basic programming tool. Also, interrupts are merely a change of program flow device that can be used as a system manufacturer's design requires. Application of basic tools like timers/counters, loops, and interrupts is merely a straightforward matter for one of ordinary skill.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (2003/0098821 A2) in view of Mankovitz (WO 98/48566).

15. Okada taught the invention of claim 1 from which claim 3 depends. Okada also taught interrupting and pausing of the main sequence to execute the subsequence followed by resuming execution of the main sequence when execution of the subsequence is ended. Okada did not teach setting a resume flag at a position of the

main sequence where its execution is interrupted; and when the execution of the sub sequence is ended resuming execution of the main sequence at said position.

16. However, Mankovitz taught setting a resume flag at a position of the main sequence where its execution is interrupted; and when the execution of the sub sequence is ended resuming execution of the main sequence at said position (p. 7, line 19 through p. 8, line 14 and p. 9, line 16-27). One of ordinary skill in the art would be motivated to apply Mankovitz's specific teachings of how one interrupts and pauses the main sequence to execute the subsequence followed by resuming execution of the main sequence when execution of the subsequence is ended, because it represents a known method of handling the stated task which involves image and audio data and which Okada left to the skill of one of ordinary skill to implement.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

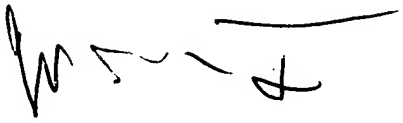
18. Eguchi et al. (Patent No. 6,948,083).

19. Tsukada et al. (Patent No. 6,898,444).

20. Any inquiry concerning this communication should be directed to William M. Treat at telephone number (571) 272-4175.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM M. TREAT
PRIMARY EXAMINER